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Attorneys for Defendant National Notary Association

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TERESA TURNER, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Case No. 2:25-CV-00334-FMO-PD

Plaintiff,

V.

NATIONAL NOTARY ASSOCIATION,

NOTICE OF DECISIONS BY OTHER COURTS

Judge: Fernando M. Olguin

Ctrm: 6D

Defendant.

NOTICE OF DECISIONS BY OTHER COURTS

Defendant National Notary Association respectfully submits this Notice of Decisions by Other Courts regarding relevant orders issued by the U.S. Court of Appeals for the Second Circuit.

1 The Parties have fully briefed Defendant’s motion to dismiss. [ECF Nos. 14,
2 28.] Among other things, the parties dispute whether the information allegedly
3 transmitted by Facebook’s Meta Pixel, including a Facebook ID (“FID”) constitutes
4 “personally identifiable information” under the Video Privacy Protection Act of
5 1988, 18 U.S.C. § 2710 (the “VPPA”). *Compare* Def.’s Mot. to Dismiss at 20 [ECF
6 No. 14], *with* Pl.’s Opp. at 16 [ECF No. 27].

7 In *Solomon v. Flipp Media, Inc.*, 136 F.4th 41 (2nd Cir. May 1, 2025)
8 (attached as Exhibit 1), the Second Circuit held that “personally identifiable
9 information” under the VPPA is “limited to the disclosure of information that would
10 permit an ordinary person to learn a specific individual’s video watching history”
11 and that an “ordinary person” cannot identify an individual thorough an FID or lines
12 of code. (citing *Eichenberger v. ESPN, Inc.*, 876 F.3d 979, 984 (9th Cir. 2017); *In*
13 *re Nickelodeon Consumer Priv. Litig.*, 827 F.3d 262 (3d Cir. 2016)).

14 In *Hughes v. Nat'l Football League*, No. 24-2656, 2025 WL 1720295, at *3
15 (2d Cir. June 20, 2025) (attached as Exhibit 2), the Second Circuit held that
16 “personally identifiable information” under the VPPA is based on whether an
17 ordinary person would be able to understand the actual underlying code
18 communication itself, regardless of how the code is later manipulated or used by the
19 company or that an ordinary person could translate the code using internet-based
20 tools like ChatGPT. (citing *Solomon*, 136 F.4th 41). “*Solomon* effectively shut the
21 door for Pixel-based VPPA claims.” *Id.* at *2.

Dated: September 17, 2025

CLARK HILL LLP

By: /s/ Chirag H. Patel
Chirag H. Patel

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